

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
RICHARD K. CREAMER	:	VIOLATIONS:
LEO ALBERTS	:	21 U.S.C. § 846 (conspiracy to
DEREK PITTS	:	manufacture 1,000 or more
	:	marijuana plants - 1 count)
	:	21 U.S.C. § 841(a)(1) (manufacture of
	:	1,000 or more marijuana plants - 1 count)
	:	21 U.S.C. § 860(a) (manufacture of
	:	1,000 or more marijuana plants within
	:	1,000 feet of a school - 1 count)
	:	21 U.S.C. § 841(a)(1) (possession with
	:	intent to distribute 1,000 or more
	:	marijuana plants - 1 count)
	:	21 U.S.C. § 860(a) (possession with
	:	intent to distribute 1,000 or more
	:	marijuana plants within 1,000 feet of a
	:	school - 1 count)
	:	21 U.S.C. § 856(a)(1) (maintaining a
	:	place for manufacture of controlled
	:	substances - 1 count)
	:	18 U.S.C. § 2 (aiding and abetting)
	:	Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From in or about October 2007, to on or about July 17, 2009, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**RICHARD K. CREAMER,
LEO ALBERTS, and
DEREK PITTS,**

conspired and agreed, together and with James Alberts, Eric Mushrush, Charlene Daley, Charles

Silvani, Richard Roman, Kevin Kurowski, Chad Tellman, Nerissa Alberts, Daniel Smith and Joel Rodriguez, all charged elsewhere, and others known and unknown to the grand jury, to knowingly and intentionally manufacture, and possess with intent to distribute, 1,000 or more marijuana plants, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

MANNER AND MEANS

It was part of the conspiracy that:

2. Defendant **RICHARD K. CREAMER** and James Alberts purchased and refurbished a commercial warehouse located at 2306-2310 N. American Street in Philadelphia, Pennsylvania for the purpose of establishing a location to grow marijuana for distribution.

3. Following the purchase and year-long renovation of the warehouse at 2306-2310 N. American Street, James Alberts, with the knowledge and consent of his partner, defendant **RICHARD K. CREAMER**, established and maintained a marijuana grow house operation inside and on the second floor of the warehouse, in order to manufacture large quantities of marijuana intended for sale and distribution for profit. Defendant **CREAMER**, an attorney licensed to practice law in Pennsylvania, also set up and maintained an office located on the second floor of the warehouse, in space adjacent to the rooms housing the marijuana growing operation.

4. James Alberts paid Eric Mushrush and Charlene Daley, to provide daily care, watering, and cultivation of the more than 1,000 marijuana plants regularly growing and under cultivation at the warehouse at 2306-2310 N. American Street in Philadelphia, Pennsylvania.

5. James Alberts established a marijuana plant growing and cultivation schedule at the 2306-2310 N. American Street grow house operation under which, approximately every thirty days, from in or about March 2009 to on or about July 16, 2009, he directed that workers, including defendants **LEO ALBERTS** and **DEREK PITTS**, as well as Eric Mushrush, Charlene Daley, Charles Silvani, Richard Roman, Kevin Kurowski, Chad Tellman, Nerissa Alberts, Daniel Smith, and Joel Rodriguez, conduct a harvest of all mature marijuana plants growing at the warehouse, to prepare multi-pound quantities of marijuana for distribution in Philadelphia and elsewhere for profit.

6. From in or about March 2009, to on or about July 16, 2009, approximately once every thirty days, defendants **LEO ALBERTS** and **DEREK PITTS**, as well as Eric Mushrush, Charlene Daley, Charles Silvani, Richard Roman, Kevin Kurowski, Chad Tellman, Nerissa Alberts, Daniel Smith, Joel Rodriguez, at the direction of James Alberts, went to the warehouse at 2306-2310 N. American Street to harvest all mature marijuana plants under cultivation at the warehouse, and to process the marijuana for sale and distribution.

7. Regular monthly marijuana harvests were conducted in a separate and specially designed "cutting" room on the second floor of the warehouse where Eric Mushrush, Charlene Daley, Charles Silvani, Richard Roman, Kevin Kurowski, Chad Tellman, Nerissa Alberts, Daniel Smith, Joel Rodriguez, defendant **LEO ALBERTS**, and, on several occasions, defendant **DEREK PITTS**, trimmed excess foliage from the plants, leaving exposed potent bud clusters on the plants, which were then hung upside down on cord lines to dry.

8. After a harvested marijuana "drying" period of up to one week following regular monthly harvests of mature marijuana plants under cultivation at the warehouse premises,

James Alberts, and on one occasion in May 2009, when Alberts was out of the country, defendant **DEREK PITTS**, a trusted associate of Alberts, divided up the dried marijuana product, packaged it in pound-sized plastic bags, and divided it into separate shares to be given to participating members of the conspiracy.

9. Following the completion of regular monthly marijuana harvests, James Alberts, and, on one occasion in May 2009, defendant **DEREK PITTS**, divided the marijuana produced from the harvest. James Alberts and defendant **RICHARD K. CREAMER** received the largest shares of the finished marijuana product. An additional share was divided equally among grow house caretakers Eric Mushrush and Charlene Daley, as compensation for their daily caretaking activities in the marijuana grow house. A smaller share of the harvest was either retained by James Alberts or distributed in part to Charles Silvani as compensation for his work in maintaining and improving the warehouse physical plant, or distributed by Alberts to other co-conspirators.

10. After dividing the shares of the marijuana produced in each harvest among the above-named stakeholders, James Alberts sold and distributed his share of the marijuana, and, on occasion, the share provided to defendant **RICHARD K. CREAMER**, to other persons, in pound and multi-pound quantities, for profit, charging between \$5,000 and \$5,500 per pound of marijuana.

11. After selling the marijuana produced from each harvest, James Alberts provided some of the proceeds of marijuana sales to defendant **RICHARD K. CREAMER** in cash.

12. As a result of the initial success of the marijuana growing operation at the

2306-2310 N. American Street warehouse, James Alberts and defendant **RICHARD K.**

CREAMER traveled to northern California in search of a tract of land which they could purchase and improve, and thereafter use to initiate another marijuana growing operation in order to increase their profits from the manufacture, sale and distribution of marijuana.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 through 13 of Count One of this indictment are incorporated here.
2. From in or about March 2009, to on or about July 16, 2009, inside 2306-2310 N. American Street, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**RICHARD K. CREAMER,
LEO ALBERTS, and
DEREK PITTS**

knowingly and intentionally manufactured, and aided and abetted and willfully caused, the manufacture of, 1,000 or more marijuana plants, that is, approximately 1,664 marijuana plants, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A), and Title 18, United States Code, Section 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 through 13 of Count One of this indictment are incorporated here.
2. From in or about March 2009, to on or about July 16, 2009, inside 2306-2310 N. American Street, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**RICHARD K. CREAMER,
LEO ALBERTS, and
DEREK PITTS**

knowingly and intentionally manufactured, and aided and abetted and willfully caused the manufacture of, 1,000 or more marijuana plants, that is, approximately 1,664 marijuana plants, a Schedule I controlled substance, within 1,000 feet of the real property comprising the John Welsh Elementary School, a public elementary school, located at 2331 N. 4th Street, in Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

In violation of Title 21, United States Code, Section 860(a), and Title 18, United States Code, Section 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 through 13 of Count One of this indictment are incorporated here.

2. On or about July 16, 2009, inside 2306-2310 N. American Street, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**RICHARD K. CREAMER,
LEO ALBERTS, and
DEREK PITTS**

knowingly and intentionally possessed with intent to distribute, and aided and abetted and willfully caused, the possession with intent to distribute of, 1,000 or more marijuana plants, that is, approximately 1,664 marijuana plants, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A), and Title 18, United States Code, Section 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 through 13 of Count One of this indictment are incorporated here.

2. On or about July 16, 2009, inside 2306-2310 N. American Street, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**RICHARD K. CREAMER,
LEO ALBERTS, and
DEREK PITTS**

knowingly and intentionally possessed with intent to distribute, and aided and abetted and willfully caused the possession with intent to distribute of, 1,000 or more marijuana plants, that is, approximately 1,664 marijuana plants, a Schedule I controlled substance, within 1,000 feet of the real property comprising the John Welsh Elementary School, a public elementary school, located at 2331 N. 4th Street, in Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

In violation of Title 21, United States Code, Section 860(a), and Title 18, United States Code, Section 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

From on or about January 2009, to on or about July 16, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

RICHARD K. CREAMER

and James Alberts, charged elsewhere, managed and controlled the warehouse located at 2306-2310 N. American Street in Philadelphia, Pennsylvania, as an owner, lessee, agent, employee and/or occupant, and knowingly and intentionally made available for use this warehouse for the purpose of unlawfully manufacturing, distributing, and possessing with intent to distribute, a controlled substance, that is, marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 856(a)(2).

NOTICE OF FORFEITURE

1. As a result of the violations of Title 21, United States Code, Sections 846, 841(a)(1), 860(a) and 856, set forth in this indictment, defendants

**RICHARD K. CREAMER,
LEO ALBERTS, and
DEREK PITTS**

shall forfeit to the United States of America:

(a) Any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violations, including, but not limited to, the warehouse premises located at 2306-2310 N. American Street, Philadelphia, Pennsylvania; and

(b) Any property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violations of Title 21, United States Code, as charged in this indictment, including the sum of \$100,000, representing proceeds obtained from the commission of such violations.

2. If any of the property described above as being subject to forfeiture, as a result of any act of omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to

seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

FOREPERSON

A handwritten signature in cursive script, appearing to read "Peter F. Schenck for". The signature is written in dark ink and is positioned above the printed name and title.

ZANE DAVID MEMEGER
United States Attorney